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Christopher Calfee, Senior Counsel
Governor's Office of Planning & Research
1400 Tenth Street
Sacramento, CA 95814

RE: Preliminary Discussion Draft of Updates to CEQA (SB 743)

Dear Mr. Calfee:

The Transportation Authority of Marin (TAM) wishes to take this opportunity to comment on the proposed updates to the CEQA Guidelines that OPR released on August 6 ("Updating Transportation Impact Analysis in the CEQA Guidelines"), in response to the adoption of SB 743 (Steinberg). This legislation eliminated the use of level-of-service (LOS) standards within Transit Priority Areas (TPAs) as a threshold of significance in any CEQA analysis. TAM staff have reviewed OPR's preliminary discussion draft of the CEQA Guidelines. Listed below are our comments on proposed changes:

- **Use of Sub-Regional Averages:** The preliminary draft guidelines specify the use of regional averages in comparisons against a project's Vehicle Miles Traveled (VMT) for determining whether there is a significant impact. Regional, in this case, is defined as the local Metropolitan Planning Organization (or Regional Transportation Planning Area). This approach mandates that travel patterns for suburban designated counties like Marin (with the recent passage of AB 1537) would be conflated with urban designated counties. We suggest OPR allow lead agencies the discretion to use sub-regional VMT averages as average VMT varies greatly within some regions.

- **Phased Implementation of updated guidelines:** We recommend OPR establish best practices for analyzing the new metrics (VMT per capita, VMT per trip, VMT by area, etc.) before the new guidelines become mandatory. Projects that reduce VMT may do so by reducing the length of vehicle trips or the number of vehicle trips, and inconsistent application across lead agencies of these metrics may result in court challenges that defeat the streamlined nature of the bill.

- **Phased or Delayed Statewide Implementation:** TAM understands the movement away from LOS as a finding of significance under CEQA in TPAs and other high quality transit corridors. However, TAM has significant concerns about

the wholesale elimination of LOS and delay-based methodologies and the preliminary guidelines statewide, specifically in rural areas and areas under-served by quality transit, as proposed by OPR in its preliminary draft guidelines. We recommend further consideration of the impacts of this shift in metrics should be given by OPR before statewide implementation. If OPR is unwilling to incorporate the recommendations above regarding the implementation of SB 743, an extension is needed for applicability statewide to beyond January 1, 2016.

- **Use of Appropriate Tools:** The draft guidelines identify various tools for determining the amount of VMT resulting from a project, including travel demand models and various “sketch” models and spreadsheets that can be used to calculate VMT. There is little guidance that discusses the benefits of one over the other, thus requiring the use of professional judgment, which may often be reduced to personal familiarity with a specific tool. Furthermore, if VMT mitigation is required for a project; would these models be able to be able to accurately measure VMT reduction? The current guidance for mitigation does not allow lead agencies to clearly distinguish the use of mitigated negative declarations and full environmental impact reports increasing the burden of environmental planning efforts on lead agencies. We recommend a further discussion of the pros and cons of particular models and a full discussion of the models ability to reflect potential mitigations for VMT reductions.
- **Induced Travel:** The use of induced vehicle travel resulting from transportation improvements as a finding under CEQA is an idea that has been heavily debated. The new Guidelines emphasize the analysis of induced travel and suggest that project proponents should thoroughly evaluate the impacts of a project with regard to induced travel. We recommend reasonable limits should be placed on the amount of analysis and research a small roadway project would need to conduct in order to satisfy the requirement to analyze induced demand.
- **Congestion Management Program and General Plan Impact:** Because the legislatively-required Congestion Management Program (CMP) specifies use of LOS in the bi-annual monitoring of Marin County’s network of freeway and arterial routes, staff has concerns about how the changes in CEQA guidelines will affect the CMP process moving forward, particularly for the pending 2015 update. OPR staff has indicated that the CMP LOS requirements are unaffected by the changes under SB 743, but the two legislative requirements seem to be conflicting. We recommend the CEQA guidelines should include a section clarifying how the LOS analysis under the CMP and general plans circulation elements are consistent with the changes required by SB 743.
- **Air Quality and Greenhouse Gas Emissions:** Delay and congestion increase GHG emissions. Because the enactment of AB 32 requires that the State decrease GHG, consideration of any new metric should give consideration to the presence or removal of greenhouse gas emissions caused by automobile or truck congestion. Thus, the effect of removing LOS analysis from CEQA should consider a replacement metric that provides

consideration to this congestion impact. Additionally, VMT does not adequately address changes in fuel standards and reduced low emission vehicles, like electric vehicles.

- Draft Guidelines: We recommend given the substantial subject matter of these comments and other CMA comments that OPR release draft guidelines for public review and comments, before finalizing these guidelines.

In closing, we recommend careful consideration and thoughtful response to the comments received on the Preliminary Draft Guidelines. TAM looks forward to OPR's Draft Guidance, and supports the state's desire to reduce greenhouse gas emissions, however we also express concern over the potential effects this legislation has on smaller jurisdictions and for potential litigation challenges for CEQA lead agencies.

Respectfully,



Dianne Steinhauser
Executive Director
Transportation Authority of Marin